

REMARKS

Claims 1-24 are pending in the application.

Claims 1-24 have been rejected.

Claims 1, 7, 10 and 17 have been amended.

Claims 11 and 21 have been canceled without prejudice or disclaimer of the subject matter recited therein.

Rejection under U.S.C. §103(a)

Claims 1-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al., U.S. Patent No. 5,740,549. While not conceding that the reference is prior art, but instead to expedite prosecution, Applicants have chosen to respectfully traverse the examiner's rejection. Applicants' arguments are made without prejudice to Applicants' right to establish, for example in a continuing application, that reference is not prior art to an invention now or thereafter claimed.

Claim 1 has been amended to include the limitations of claim 7 regarding querying the user as to whether the user desires to participate in receiving the information. The Examiner has not cited any reference in rejecting claim 7 instead the Examiner stated that the steps recited in claim 7 are well known in the art. The Applicants respectfully request the Examiner to more specifically point out the reference that teaches the steps of claim 7 and suggests or provides a motivation to combine with Reilly et al. which the Examiner believes the elements of the claim reads upon.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

Further, Reilly et al. discloses a method of transmitting the information to a client computer once a connection with the server is established. Reilly et al. does not provide an option for the computer user to participate in the initial information transmission. In contrast, Claim 1 discloses a method of querying the computer user whether the computer user desires to participate in receiving the information, before building a database associated with the computer user identifier. Accordingly, Applicants respectfully submit that amended claim 1 is patentably distinguishable from Reilly et al. Applicants respectfully submit that amended claim 1 is in condition for allowance.

Claims 2-4 depend upon amended claim 1 and are patentably distinguishable from Reilly et al. for at least the same reasons.

Claim 5 depend upon amended claim 1 and is patentably distinguishable from Reilly et al. for at least the same reasons.

Further, in rejecting claim 5 the Examiner has not cited any reference instead the Examiner stated that the steps recited in claim 5 are implicitly disclosed in Reilly et al. The Applicants respectfully request the Examiner to more specifically point out the reference in Reilly et al. that teaches the steps of claim 5 and which the Examiner believes the elements of the claim reads upon. Further Reilly et al. does not disclose a method of querying the computer user to build an identifier as claimed by the Applicants. Accordingly, Applicants respectfully submit that claim 5 is patentably distinguishable from Reilly et al. Applicants respectfully submit that claim 5 is in condition for allowance.

Claims 6-9 depend upon amended claim 1 and are patentably distinguishable from Reilly et al. for at least the same reasons.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

Claim 10 has been amended in the manner of claim 1 and is patentably distinguishable from Reilly et al. for at least the same reasons. Accordingly, Applicants respectfully submit that amended claim 10 is patentably distinguishable from Reilly et al. Applicants respectfully submit that amended claim 10 is in condition for allowance.

Claims 12-16 depend upon amended claim 10 and are patentably distinguishable from Reilly et al. for at least the same reasons.

Claim 17 has been amended in the manner of claim 1 and is patentably distinguishable from Reilly et al. for at least the same reasons. Accordingly, Applicants respectfully submit that amended claim 17 is patentably distinguishable from Reilly et al. Applicants respectfully submit that amended claim 17 is in condition for allowance.

Claims 18-20 and 22-24 depend upon amended claim 17 and are patentably distinguishable from Reilly et al. for at least the same reasons.

CONCLUSION

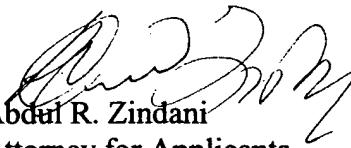
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-794-3600.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231, on March 6, 2002.

Attorney for Applicants

Date of Signature

Respectfully submitted,


Abdul R. Zindani
Attorney for Applicants
Reg. No. 46,091
[Phone: (512) 794-3600]
[Fax: (512) 794-3601]

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

Version with Markings to Show Changes Made

IN THE CLAIMS

1. A method of tracking information provided to a computer system from a server, the method comprising:
 - providing an identifier identifying the computer system;
 - providing at least one database associating the identifier with information specific to a computer user associated with the computer system;
 - [transmitting] the server receiving the identifier [to the server], the server affiliated with the at least one database;**
 - transmitting the information to the computer system that is specific to the identifier;
 - [and]**
 - logging the transmittal of the identifier in one of the at least one database[.];
 - when the server receives an identifier, checking the at least one database for the identifier;**
 - if the identifier is not found, querying the computer user as to whether the computer user desires to participate in receiving the information from the server; and**
 - if the computer user desires to participate, building one of the at least one databases that associates the identifier with the computer user.**
2. The method of Claim 1 wherein the logging the transmitting of the identifier further includes:
 - incrementing a counter associated with the identifier.
3. The method of Claim 1 further comprising:
 - providing that the information transmitted to the computer system includes at least one of advertisements, informational data, advertisements specific to the computer user, and informational data specific to the computer user.
4. The method of Claim 1 further comprising:
 - providing that the server is one of an advertisement broker, a server hosting advertisements, and a server hosting advertisements and informational data.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

5. The method of Claim 1 further comprising:
providing an application program;
if the computer system does not contain a preexisting identifier associated with the at least one database, querying the computer user as to information specific to the computer user; and
storing the information in one of the at least one database.

6. The method of Claim 1 wherein the transmitting the identifier includes:
requesting access to the server by the computer user via the worldwide web; and
transmitting the identifier when the computer user requests access from the server.

7. The method of claim 1 further comprising:
[when the server receives an identifier, checking the at least one database for the identifier;
if the identifier is not found, querying the computer user as to whether the computer user desires to participate in receiving the information from the server; and
if the computer user desires to participate, building one of the at least one databases that associates the identifier with the computer user;]
if the identifier is found in the at least one database, searching for matching information unique for the identifier and for the computer user;
if matching information is found, transmitting the information unique for the identifier and for the computer user to the computer user from the server;
if no matching information is found, transmitting one of generic information and no information; and
logging the transmittal of the identifier in one of the at least one database.

8. The method of Claim 1 wherein the identifier is one of a system code, a system code stored in nonvolatile memory, a unique ID from a microprocessor, a unique ID from a peripheral device and a unique identifier stored on a hard drive.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

9. The method of Claim 1 wherein the information unique to the computer user includes one of incentives, bonuses and discounts on a plurality of goods.

10. A computer system comprising:

a processor;

a memory device coupled to the processor;

an identifier for a computer system associated with a computer user, the identifier identifying the computer system, the identifier capable of being transmitted to a server, the server affiliated with at least one database that associates the identifier with the computer user and information specific to the computer user, the server tracking the transmittal of the identifier[.]; and

an application program that queries the computer user to obtain data for associating information specific to the computer user for transmittal, the application program storing the data in the at least one database and associating the identifier with the data.

11. Canceled.

12. The computer system of Claim 10 wherein the server is accessible to the computer user via the worldwide web.

13. The computer system of Claim 10 wherein the information specific to the computer user includes at least one of advertisements, informational data, advertisements specific to the computer user, and informational data specific to the computer user.

14. The computer system of Claim 10 wherein the server increments a counter each time the identifier is received by the server.

15. The computer system of Claim 10 wherein the database is affiliated with an advertisement broker that is also affiliated with the server, the advertisement broker receiving the identifier and logging the transmittal of the identifier in a database to track the transmittal of information specific to the computer user.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

16. The computer system of Claim 10 wherein the identifier is one of a system code, a system code stored in nonvolatile memory, a unique ID from a microprocessor, a unique ID from a peripheral device and a unique identifier stored on a hard drive.

17. A system for tracking information transmitted by and to a computer user, the system comprising:

means for providing an identifier for a computer system associated with the computer user, the identifier identifying the computer system;

at least one database associating the identifier with the computer user and information specific to the computer user

means for transmitting the identifier to a server, the server affiliated with the at least one database;

means for transmitting the information to the computer system that is specific to the identifier; **[and]**

means for logging the transmittal of the identifier in one of the at least one database[.];

an application program, the application program querying the computer user as to information specific to the computer user if the computer system does not contain a preexisting identifier associated with the at least one database; and

means for storing the information in one of the at least one database.

18. The system of Claim 17 further comprising:

a counter, the counter incrementing upon at least one of the transmittal of the identifier to the server and the transmittal of information to the computer system.

19. The system of Claim 17 wherein:

the information transmitted to the computer system includes at least one of advertisements, informational data, advertisements specific to the computer user, and informational data specific to the computer user.

20. The system of Claim 17 wherein:

the server is one of an advertisement broker, a server hosting advertisements, and a server hosting advertisements and informational data.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

21. Canceled.
22. The system of Claim 17 wherein the server is accessible to the computer user via the worldwide web.
23. The system of Claim 17 wherein the information specific to the computer user includes at least one of advertisements, informational data, advertisements specific to the computer user, and informational data specific to the computer user.
24. The system of Claim 17 wherein the identifier is one of a system code, a system code stored in nonvolatile memory, a unique ID from a microprocessor, a unique ID from a peripheral device and a unique identifier stored on a hard drive.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979